

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
)	
)	
)	
WEST CONTRA COSTA UNIFIED SCHOOL)	File No. SLD 144237
DISTRICT, RICHMOND, CA)	
)	
Schools and Libraries Universal Service)	CC Docket No. 02-6
Support Mechanism)	CC Docket No. 96-45

**REQUEST FOR REVIEW AND APPEAL OF THE DECISION OF THE
UNIVERSAL SERVICE ADMINISTRATOR BY
WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT, RICHMOND, CA**

I. INTRODUCTION

1. The WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT, (the “District”) appeals the decision of the Universal Service Administrative Company (“USAC”) concerning the schools and libraries universal service support mechanism (also known as the E-rate program) issuance of a Commitment Adjustment (COMAD) Letter and subsequent Demand Payment Letter due to the inability of the District to document the existence of an approved technology plan that covered Fund Year 2002-2003.
2. The School requests that the Commission review the decision of USAC to issue a COMAD and Demand Payment Letter due to special circumstances that were present at the time of request for documentation and as subsequent efforts by the District have uncovered the documentation that was not available at the time of request.

II. BACKGROUND

1. WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT is a large, urban school district located in Northern California’s Bay Area. The District has participated in e-rate for many years and has found the program to be of great benefit to furthering the achievement of students throughout the District. In October 2006, the District was notified that KPMG would be coming to the District to conduct an audit of Funding Year 2002-2003 including all applications and funding requests. During this funding year, West Contra Costa Unified applied for funding primarily for Priority One services (Telecommunications and Internet Access). The District staff that submitted the application(s) during that funding year were (are) no longer with the District though the historical

paperwork was available for review (barring the technology plan approval letter). KPMG conducted their review of all applications and issued no significant findings other than the potential issue regarding utilization of approved funds for Internet Access (Form 471# 306939 FRN 832418) due to the lack of documentation regarding the technology plan approval. Subsequent to this review, District staff has been working with the California Department of Education (CDE) in order to obtain the documentation proving the existence of an approved technology plan for the period July 1, 2002 through June 30, 2003. According to CDE, their office did not issue letters indicating approval back in the 2002 timeframe (this practice has since been implemented and has been of great benefit to all California applicants), but they have provided us with documentation that proves that there was an approved technology plan in the form of the issuance letter for the Enhancing Education Through Technology (EETT) grant FY 2002-2003. The requirements of this grant are such that an entity applying for the grant must have an approved technology plan that meets or exceeds the guidelines as set forth by State and E-Rate (SLSM) administration, therefore (according the CDE) the technology plan had to have been approved in order for the grant award to be issued.

2. The District was still in the process of obtaining this documentation when the COMAD and subsequent Demand Payment Letter were issued. Since the documentation is now in hand, the District respectfully requests to be given an opportunity to present this information and cure the debt.

III. DECISIONS BY THE COMMISSION ON APPEALS

1. As noted in the decision published in the *Bishop Perry Middle School, New Orleans, LA* appeal, SLD # 487170, the “Commission may waive any provision of its rules on its own motion and for good cause shown.”

(47 C.F.R. §1.3.) Additionally, a “rule may be waived where the particular facts make strict compliance inconsistent with the public interest.” *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (*Northeast Cellular*).

2. In the Request for Waiver and Review filed by Brownsville Independent School District, et al File No. SLD-482620, *et al.* decided on March 22, 2007, the Commission waived “...in part, our technology plan rules and remand the underlying applications to USAC for further consideration consistent with this Order... [I]n addition, beginning with applications for Funding Year 2007, we direct USAC to enhance its outreach efforts as described herein to better inform applicants of the technology plan requirements...” In Brownsville, the Commission noted, “In [some] instances, Petitioners failed to show, in response to initial inquiries by USAC staff, that they had an approved technology plan in place for the relevant funding year, ...” The Commission then remanded these applications back to USAC for further consideration based on subsequent information that was provided as part of the initial appeal to the FCC. Additionally, the Commission noted that it is critical that USAC expand its outreach regarding technology plan requirements repeatedly throughout the GRO.

DISCUSSION

1. The District believes that under the circumstances described above, and pursuant to the applicable rulings by the FCC, there is reason for the Commission to remand this decision back to USAC for further consideration and settlement of the issue regarding the COMAD and

Demand Payment Letter. District does have the documentation regarding the existence of an approved technology plan for the period in question.

2. District relies on the decision in the Brownsville Independent School District, appeal as cited above. In Brownsville, the Commission stated “...we do not believe that such minor mistakes warrant the rejection of these Petitioners’ E-rate applications, especially given the requirements of the program and the thousands of applications filed each year.” WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT contends that substantially similar special circumstances exist in this instance as well.

3. School also relies on Bishop Perry Middle School, New Orleans, LA, the Commission stated as follows:

As we recently noted, many E-rate program beneficiaries, ... contend that the application process is complicated, resulting in a significant number of applications for E-rate support being denied for ministerial, clerical or procedural errors. We find that the actions we take here to provide relief from these types of errors in the application process will promote the statutory requirements of section 254(h) of the Communications Act of 1934, as amended (the Act), by helping to ensure that eligible schools and libraries actually obtain access to discounted telecommunications and information services. In particular, we believe that by directing USAC to modify certain application processing procedures and granting a limited waiver of our application filing rules, we will provide for a more effective application processing system that will ensure eligible schools and libraries will be able to realize the intended benefits of the E-rate program as we consider additional steps to reform and improve the E-rate program. The Commission may waive any provision of its rules on its own motion and for good cause shown. A rule may be waived where the particular facts make strict compliance inconsistent with the public interest. In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis. In sum, waiver is appropriate if special circumstances warrant a deviation from the general rule, and such deviation would better serve the public interest than strict adherence to the general rule.

VI. CONCLUSION

For the reasons discussed herein, the District respectfully requests the Commission grant the Request for Review and Appeal and remand the case to USAC for further consideration pursuant to the E-rate rules.

All further contact should be directed to Jeff Edmison, WCCUSD Associate Superintendent of Operations at jedmison@wccusd.net or Kimberly Friends at kfriends@csmsgconsulting.com.

Enclosed 2 attachments *see list to follow on next page*

ATTACHMENTS TO FILE NO. SLD 144237

- (1). Demand Payment Letter dated July 10, 2007 (4 pages).
- (2). Copy of Fax Transmission from California Department of Education (CDE) re: approval of EETT Grant for West Contra Costa Unified School District for FY 2002-2003 (10 pages).



Schools & Libraries Division

Demand Payment Letter
Funding Year 2002: 7/01/2002 - 6/30/2003

July 10, 2007

Michael Cornell
WEST CONTRA COSTA UN SCH DIST
1108 BISSELL AVE
RICHMOND, CA 94801 3135

Re: Form 471 Application Number: 306939
Funding Year: 2002
Applicant's Form Identifier: 471-5-D-T-W-IA
Billed Entity Number: 144237
FCC Registration Number: 0013104849
SPIN Name: Contra Costa County Office of Ed.
Service Provider Contact Person: Edward Carey

You were recently sent a Notification of Improperly Disbursed Letter informing you of the need to recover funds from you for the Funding Request Number(s) (FRNs) listed on the Funding Disbursement Report (Report) of that letter. A copy of that Report is also attached to this letter. Immediately preceding the Report is a guide that defines each line of the Report.

The balance of this debt is due within 30 days from the date of this letter. Failure to pay the debt within 30 days from the date of this letter could result in interest, late payment fees, administrative charges and implementation of the "Red Light Rule." Please see the "Informational Notice to All Universal Service Fund Contributors, Beneficiaries, and Service Providers" at <http://www.universalservice.org/fund-administration/tools/latest-news.aspx#083104> for more information regarding the consequences of not paying the debt in a timely manner.

If the Schools and Libraries Division (SLD) has determined that both the applicant and the service provider are responsible for a program rule violation, then, pursuant to the Order on Reconsideration and Fourth Report and Order (FCC 04-181), the SLD will seek recovery of the improperly disbursed amount from BOTH parties and will continue to seek recovery until either or both parties have fully paid the debt. If the SLD has determined that both the applicant and the service provider are responsible for a program rule violation, this was indicated in the Disbursed Funds Recovery Explanation on the Funding Disbursement Report.

If the SLD is attempting to collect all or part of the debt from both the applicant and the service provider, then you should work with your service provider to determine who will be repaying the debt to avoid duplicate payment. Please note, however, that the debt is the responsibility of both the applicant and service provider. Therefore, you are responsible for ensuring that the

debt is paid in a timely manner.

Please remit payment for the full Funds to be Recovered from Applicant amount shown in the Report. To ensure that your payment is properly credited, please include a copy of the Report with your check. Make your check payable to the Universal Service Administrative Company (USAC).

If sending payment by U. S. Postal Service or major courier service (e.g. Airborne, Federal Express, and UPS) please send check payments to:

Universal Service Administrative Company
1259 Paysphere Circle
Chicago, IL 60674

If you are located in the Chicago area and use a local messenger rather than a major courier service, please address and deliver the package to:

Universal Service Administrative Company
Lockbox 1259
540 West Madison 4th Floor
Chicago, IL 60661

Local messenger service should deliver to the Lockbox Receiving Window at the above address.

Payment is due within 30 days from the date of this letter.

Complete program information is posted to the SLD section of the USAC web site at www.universalservice.org/sl/. You may also contact the SLD Technical Client Service Bureau by e-mail using the "Submit a Question" link on the SLD web site, by fax at 1-888-276-8736 or by phone at 1-888-203-8100.

Universal Service Administrative Company
Schools and Libraries Division

cc: Edward Carey
Contra Costa County Office of Ed.

A GUIDE TO THE FUNDING DISBURSEMENT REPORT

Attached to this letter will be a report for each funding request from the application cited at the top of this letter for which a Recovery of Improperly Disbursed Funds is required. We are providing the following definitions.

FUNDING REQUEST NUMBER (FRN): A Funding Request Number is assigned by the SLD to each individual request in a Form 471 once an application has been processed. This number is used to report to applicants and service providers the status of individual discount funding requests submitted on a Form 471.

SERVICES ORDERED: The type of service ordered from the service provider, as shown on Form 471.

SPIN (Service Provider Identification Number): A unique number assigned by the Universal Service Administrative Company to service providers seeking payment from the Universal Service Fund for participating in the universal service support programs.

SERVICE PROVIDER NAME: The legal name of the service provider.

CONTRACT NUMBER: The number of the contract between the applicant and the service provider. This will be present only if a contract number was provided on the Form 471.

BILLING ACCOUNT NUMBER: The account number that your service provider has established with you for billing purposes. This will be present only if a Billing Account Number was provided on the Form 471.

SITE IDENTIFIER: The Entity Number listed on Form 471, Block 5, Item 22a. This number will only be present for "site specific" FRNs.

FUNDING COMMITMENT: This represents the amount of funding that SLD had reserved to reimburse you for the approved discounts for this service for this funding year.

FUNDS DISBURSED TO DATE: This represents the total funds that have been paid to the identified service provider for this FRN as of the date of this letter.

FUNDS TO BE RECOVERED FROM APPLICANT: This represents the amount of improperly disbursed funds to date as a result of rule violation(s) for which the applicant has been determined to be responsible. These improperly disbursed funds will have to be recovered from the applicant.

DISBURSED FUNDS RECOVERY EXPLANATION: This entry provides the reason why recovery is required.

Funding Disbursement Report
Form 471 Application Number: 306939

Funding Request Number:	832418
Services Ordered:	INTERNET ACCESS
SPIN:	143008381
Service Provider Name:	Contra Costa County Office of Ed.
Contract Number:	CCCOE-IA
Billing Account Number:	510-234-3825
Site Identifier:	144237
Funding Commitment:	\$23,800.00
Funds Disbursed to Date:	\$17,000.00
Funds to be Recovered from Applicant:	\$17,000.00

Disbursed Funds Recovery Explanation:

After a thorough investigation, it has been determined that funds were improperly disbursed on this funding request. During the course of an audit it was determined that the technology plan for this entity was not approved at the time of submission of the Form 486. Program rules require applicants to obtain approval of technology plans by parties qualified to approve technology plans, prior to submitting the Form 486, for services other than basic telecommunications service. Since this is not a request for basic telecommunications service, the technology plan needed to be approved prior to submitting the Form 486 or the start of services, whichever was earlier. Since this requirement has not been met USAC will seek recovery of any improperly disbursed funds from the applicant.



CALIFORNIA
DEPARTMENT OF
EDUCATION

1430 N STREET
SACRAMENTO, CA
95814-5901

Need FCC Appeal

JACK O'CONNELL
State Superintendent of
Public Instruction
PHONE: (916) 319-0800

FAX TRANSMISSION

Education Technology
Data Management Division
1430 N Street, Suite 6308
Sacramento, CA 95814
Phone: (916) 323 5719
Fax: (916) 323 5110

DATE: 7/18/2007 PAGES (including cover sheet): 10

TO: Kimberly Friends

FAX NUMBER: 909-481-7410 PHONE NUMBER: 909-944-7798

SUBJECT: Grant award documents (EETT Formula) for West Contra Costa for 2002-2003

FROM: Doris Stephen

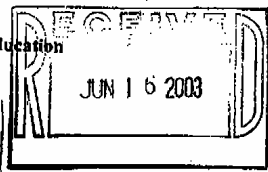
COMMENTS: Faxing the grant award documents as per Larry Hiuga. If you have any questions please give me a call at 916 323 5719.
Thank you,

Doris

AO-400 (7/03)

Return to:
California Department of Education

Education Technology Office
1430 N Street, Suite 3600
Sacramento, CA 95814
Attn: EETT Formula Grants



CDE GRANT NO.			
FY	PCA	VENDOR NO.	SUFFIX
2002-2003	14334	6179	
CNTY	NON-SACS INCOME ACCT	SACS CODES	
07	8160	Resource 4045	Revenue Object 8290

Grantee West Contra Costa Unified		Attention District Superintendent		Telephone No. (510) 234-3825	
Address 1108 Bissell Avenue		City Richmond		State CA	Zip 94801-3135
AWARD INFORMATION				CDE USE ONLY	
	Original/Prior Amendments	Amendment No.	Total	State Index	0250
Grant Amount	\$283,294.00	N/A	\$283,294.00	Project W/P	
Award Dates	Starting: 4/23/2003	Ending: 8/29/2004		Federal Catalog No.	

We are pleased to announce that the applicant identified above has been awarded an Enhancing Education Through Technology Formula Grant.

IMPORTANT--THE GRANT CONDITIONS AND THE GENERAL CONDITIONS ARE ATTACHED TO THIS GRANT AWARD LETTER. THE AUTHORIZED AGENT OF THE GRANTEE SHOWN ABOVE, BY SIGNING THIS DOCUMENT BELOW, CERTIFIES THAT THE DISTRICT WILL COMPLY WITH ALL THE REQUIREMENTS LISTED IN THE ATTACHED CONDITIONS.

CERTIFICATION OF ACCEPTANCE OF GRANT CONDITIONS AND GENERAL ASSURANCES

<i>On behalf of the grantee named above, I accept this grant award. I have read the conditions contained in this grant notification letter, and I agree to comply with all requirements as a condition of grant funding.</i>		
Printed Name of Authorized Agent	Title	Telephone No.
Ruth Vedovelli	Asst. Superintendent-Fiscal	510-620-2009
Signature		Date
<i>Ruth Vedovelli</i>		6/11/03
Printed name of CDE Superintendent		Telephone No.
Jack O'Connell, State Superintendent of Public Instruction		(916) 323-5715
Signature		Date
<i>Jack O'Connell</i>		

ASSURANCES AND CONDITIONS

This form is required for release of funds. Complete, sign, and return this certification form with a copy of the completed *Form A0-400 Grant Award* by 5:00 PM, June 20, 2003 to:

California Department of Education, Education Technology Office
1430 N Street, Suite 3705, P.O. Box 944272
Sacramento, CA 95814 Attn: Doug Jann

Specific Conditions

As a condition of the receipt of funds under this program, the grantee assures that it will:

1. Obligate all grant funds by August 29, 2004 or repay any funding received, but not obligated, and forfeit any grant funds not yet received.
2. Submit an end-of-the-period expenditure form by October 31, 2004.
3. Submit: 1) annual performance reports required by the United States Department of Education; 2) any evaluation data requested by CDE or the United States Department of Education; and 3) the 2003 and 2004 California School Technology Survey for all funded districts and schools. The survey may be accessed at <http://www.cde.ca.gov/edtechsurvey/>.
4. Expend funds in compliance with the Federal Education Department Guidelines Administrative Regulations (EDGAR) under Title 34 Education.
5. Purchase hardware that meets or exceeds standards for hardware issued found in Technical Specifications for Computers Purchased or Leased Under the EETT Funding.
6. Spend any funds for education technology-related expenses consistent with EDGAR, and that any curriculum-based software purchased with grant funding is either (a) part of a state-adopted program or (b) reviewed by the California Learning Resources Network (CLRN) and found to be consistent with State Board-adopted Content Standards unless prior approval has been received from the CDE.
7. Agree that 60% of the teachers at the funded local educational agency (LEA) will complete both modules of the CTAP² Technology Assessment Profile (Proficiency Assessment and Technology Use Survey). The CTAP² modules will be completed during the grant period (January 1, 2003 – June 30, 2004).
8. Maintain and will provide to CDE, upon request, a written affirmation signed by officials of each participating private school that the consultation required by Section 1120 (b) under Title I, Part A of the *No Child Left Behind (NCLB) Act of 2001* has occurred.
9. The LEA maintains and will provide to CDE a written affirmation signed by officials of each participating private school that the consultation required by Section 1120 (b) under Title II, Part D of the *No Child Left Behind (NCLB) Act of 2001* has occurred (see Appendix E).

General Conditions

1. Administer the grant in accordance with all applicable statutes, regulations, program plans, and applications.
2. Maintain control of funds and title to property acquired with program funds in the public agencies.
3. Use proper methods of administering the program, including correction of any deficiencies identified through audits, monitoring, or evaluation.
4. Cooperate in carrying out any evaluation of the program conducted by or for the U.S. Secretary of Education, the CDE, or other federal or state officials.
5. Use fiscal control and fund accountability procedures as will ensure proper disbursement of, and accounting for, federal funds paid under the program, including the use of the federal funds to supplement, and not supplant, state and local funds; and maintenance of effort (20 USC § 8891).

6. Operate programs and services in compliance with Title VI and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act.
7. Make reports to the state agency as may reasonably be necessary to enable the state agency to perform its duties, and maintain such records and provide access to those records as the state agency deems necessary. Such records shall include, but not be limited to, records which fully disclose the amount and disposition by the grantee of those funds, the total cost of the activity for which the funds are used, the share of that cost provided from other sources, and such other records as will facilitate an effective audit. The recipient shall maintain such records for five years after the completion of the activities for which the funds are used. (34 CFR 76.722, 76.730, 76.731, 76.734, 76.760; 34 CFR 80.42)
8. Agree that auditable records of grant funds received by the district and each participating school will be maintained on file at the district office. (5 CCR 3944; 34 CFR 74.24)
9. Agree that any application, evaluation, periodic program plan, and/or report relating to each program will be made readily available to parents and other members of the general public.
10. Repay any funds which have been finally determined through a federal or state audit resolution process to have been misspent, misapplied, or otherwise not properly accounted for, and further agree to pay any collection fees that may subsequently be imposed by the federal and/or state government.
11. Ensure that its governing board has a policy in compliance with state law requiring local educational agencies to expel from school, for a period of not less than one year, a student who is determined to have brought a firearm to school under the jurisdiction of the grantee. (20 USC § 8921, Gun Free Schools Act - see California Education Code Section 48915)
12. Administer the activities funded by this grant in such a manner so as to be consistent with state Academic Content Standards.
13. Agree to CDE site visitations for the purpose of monitoring grant implementation and expenditures and provide all requested documentation to CDE personnel in a timely manner.
14. Agree that CDE has the right to intervene, renegotiate the grant, and/or cancel the grant if the grant recipient fails to comply with grant requirements.

CERTIFICATION: As the duly authorized representative of the applicant agency, I hereby certify that the applicant agency will comply with the assurances and conditions.

West Contra Costa Unified School District
NAME OF APPLICANT LOCAL EDUCATION AGENCY

Ruth Vadovelli Asst. Superintendent-Fiscal Services

PRINTED NAME AND TITLE OF SUPERINTENDENT OR AUTHORIZED DESIGNEE

Ruth Vadovelli
SIGNATURE

6/11/03
DATE

Certification Regarding Lobbying, Debarment, Suspension and Other Responsibility Matters, and Drug-Free Workplace Requirements

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in pertinent regulations before completing this form. Signature of this form provides for compliance with certification requirements under 34 CFR Part 82, "New Restrictions on Lobbying," and 34 CFR Part 85, "Government-Wide Debarment and Suspension (non procurement) and Government-Wide Requirements for Drug-Free Workplace (grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Education determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING—This certification is required by Section 1352, Title 31, of the U.S. Code, and 34 CFR Part 82, for persons entering into a grant or cooperative agreement over \$100,000 as defined at 34 CFR Part 82, Sections 82.105 and 82.110. The applicant certifies that:

- (a) No federal appropriated funds have been paid or will be paid by or on behalf of the undersigned to any person for influencing or attempting to influence an officer or employee of any agency or a member of Congress in connection with the making of any federal grant; the entering into of any cooperative agreement; or the extension, continuation, renewal, amendment, or modification of any federal grant or cooperative agreement.
- (b) If any funds other than federal appropriated funds have been or will be paid to any person for influencing or attempting to influence an employee of Congress, or any employee of a member of Congress in connection with this federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form -LLL, "Disclosure Form to Report Lobbying," in accordance with these instructions.
- (c) The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including sub-grants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS—This certification is required by executive Order 12549, Debarment and Suspension, and other responsibilities implemented at 34 CFR Part 85, for prospective participants in primary covered transactions, as defined at 34 CFR Part 85, Sections 85.105 and 85.110.

A. The applicant certifies that he or she and any principals:

- (a) are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal department or agency;
- (b) have not within a three-year period preceding this application been convicted of, or had a civil judgment rendered against them, for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (c) are not presently indicted for, or otherwise criminally or civilly charged by, a governmental entity (federal, state, or local) with commission of any of the offenses enumerated in paragraph (1) (b) of this certification; and
- (d) have not within a three-year period preceding this application had one or more public transactions (federal, state, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)—This certification is required by the Drug-Free Workplace Act of 1983, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610.

A. The applicant certifies that he or she will or will continue to provide a drug-free workplace by:

- (a) publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- (b) establishing an on-going drug-free awareness program to inform employees about:
 - (1) The danger of drug abuse in the workplace;
 - (2) The grantee's policy of maintaining a drug-free work plan;
 - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4) The penalties that may be imposed upon employees for drug-abuse violations occurring in the workplace;
- (c) making it a requirement that each employee engaged in performance of the grant be given a copy of the statement required by paragraph (a);
- (d) notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:
 - (1) abide by the terms of the statement; and
 - (2) notify the employer in writing of his or her conviction of a violation;
- (e) notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d) (2) from an employer of convicted employees. The grantee must provide notice, including position title, to: Director, Grants, and Contracts Service, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3124, GSA Regional Office Building No. 3), Washington, DC 20202-4571. Notice shall include the identification number(s) of each affected grant;
- (f) taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d) (2), with respect to any employee who is so convicted:
 - (1) taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - (2) requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency; and.
- (g) making a good-faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of performance (street address, city, county, state, zip code):

West Contra Costa Unified School District
1108 Bissell Avenue
Richmond, CA 94801

ENVIRONMENTAL TOBACCO SMOKE ACT—This certification is required by the Pro-Children Act of 1994, (also known as Environmental Tobacco Smoke), and implemented as Public Law 103-277, Part C which requires that:

The applicant certifies that smoking is not permitted in any portion of any indoor facility owned or leased or contracted and used routinely or regularly for the provision of health care services, day care, and education to children under the age of 18. Failure to comply with the provisions of this law may result in the imposition of a civil monetary penalty of up to \$1,000 per day. (The law does not apply to children's services provided in private residence, facilities funded solely by Medicare or Medicaid funds, and portions of facilities used for in-patient drug and alcohol treatment).

Check ☐ if there are workplaces on file that are not identified here.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

West Contra Costa Unified School District

NAME OF APPLICANT

Ruth Vedovelli Asst. Superintendent-Fiscal Services

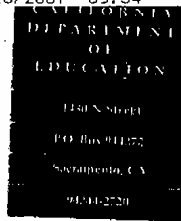
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE

Ruth Vedovelli

SIGNATURE

6/12/03

DATE

**JACK O'CONNELL**
State Superintendent of Public InstructionPhone: (916) 319-0800
Fax: (916) 319-0100JUN 5 11 59 AM '03
RECEIVED
SUPERINTENDENT'S
OFFICE

May 30, 2003

Gloria Johnston Ph.D., Superintendent
West Contra Costa Unified
1108 Bissell Ave.
Richmond, CA 94801-3135

Dear Superintendent:

Congratulations! Your district has been approved for funding from the Title II, Part D, Enhancing Education Through Technology (EETT) formula grant. The EETT program was established as part of the Federal program, *No Child Left Behind*, Public Law, 107-110, Title II, Part D, section 2401. Under this program, the California Department of Education (CDE) awards federally funded grants to qualified local entities and consortiums.

Grant Award Documents

If you choose to accept this grant, the CDE procedures for formula grants require that you sign the enclosed *Grant Award and Assurances* and return them to the CDE. **Signed copies of the enclosed Grant Award and Assurance documents must be received by CDE no later than 5:00 P.M., June 20, 2003.**

Use of Funds

Funds may be used for education technology-related expenses in the funded LEAs, as long as:

1. At least 25 percent of funds are used to provide ongoing, sustained, and intensive, high-quality professional development in the integration of advanced technologies, including emerging technologies, into curricula and instruction and in using those technologies to create new learning environments. (LEAs may apply for a waiver to this requirement through CDE.)
2. Expenditures are consistent with the Federal Education Department Guidelines Administrative Regulations (EDGAR), <<http://www.access.gpo.gov/cgi-bin/cfrassemble.cgi?title=199834>> under Title 34: Education.

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3. Any curriculum-based software purchased with grant funding is either:
 - a. Part of a state-adopted program or
 - b. Reviewed by the California Learning Resources Network (CLRN) and found to be consistent with State Board-adopted Content Standards unless prior approval has been received from the CDE. Information about CLRN may be found at <http://www.clrn.org>.

Grant Awards

Funding is based upon the proportionate amount of California's Part A, Title I funding that the LEA receives in each of the grant years. Grant amounts will be calculated by CDE using the district's Part A, Title I, entitlement and the total number of eligible LEAs that apply and qualify for funding.

For example, if District A receives one percent of Title I, Part A funding, they would receive one percent of the \$41 million in EETT funding. That percentage would increase if any other eligible LEAs chose not to apply or did not qualify for funding in a given year. The amount set aside for those districts would then be included in the total amount allocated to the remaining qualifying LEAs.

Applicants with questions about the calculation of grant awards should contact the Education Technology Office, CDE, at (916) 323-5715.

Payment Schedule

Funds will be distributed in two payments. The first payment of 85 percent of funding will be sent after CDE receives signed copies of the enclosed Grant Award document and Assurances. Payment of the final 15 percent of your funding will be made when the reporting requirements have been fulfilled and certified by CDE.

Please note: This payment schedule has been revised from the previously stated schedule to better meet federal requirements.

Fund Obligation Deadline

All funding must be obligated no later than August 29, 2004, (see enclosed *Definition of Obligation* for more information). In order to avoid losing funding that is not obligated by this date, it is suggested that districts order the equipment as quickly as possible. Hardware purchases must meet or exceed the technical specifications issued by the State Office of the Secretary for Education (see enclosed *Technical Specifications for Computers Purchased or Leased Under EETT Funding*).

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Reapplication for Subsequent Years

Recipients of EETT Formula Grants in the current year are not required to submit their education technology plan to CDE for approval in subsequent grant years unless the plan is revised or will expire prior to the end of the grant period. Application for EETT funding in subsequent grant years will be included as part of the Consolidated Application (ConAp).

Reporting Requirements

The End-of-Year expenditure report is due no later than October 31, 2004, but may be submitted prior to that if all grant funds are expended. Forms may be downloaded from <http://www.cde.ca.gov/edtech/eett>.

Funded LEAs must also complete the Online California School Technology Survey (<http://www.cde.ca.gov/edtechsurvey>) and the CTAP² Technology Assessment Profile (<http://ctap2.iassessment.org>) by the appropriate deadlines of each of the grant years.

If you have any questions regarding this program, please contact Doug Jann at (916) 445-6815 or by e-mail at djann@cde.ca.gov.

Sincerely,



JACK O'CONNELL

JO:dj

Enclosures: Grant Award and Assurances
Definition of Obligation
Technical Specifications for Computers Purchased or Leased
Under EETT Funding
Certification Regarding Lobbying, Debarment, Suspension and Other
Responsibility Matters, and Drug-Free Workplace Requirements

cc: School District Contacts – Letter only
Bonnie Marks, California Technology Assistance Project Director, Region 04